

NEW YORK
110 East 59th Street, Suite 3200
New York, New York 10022

HOUSTON
Pennzoil Place – South Tower
711 Louisiana, Suite 2150
Houston, Texas 77002

713 860 1600 telephone
713 860 1699 facsimile
www.ajamie.com

Thomas R. Ajamie
tajamie@ajamie.com

December 8, 2023

VIA ECF

U.S. Magistrate Judge Andrew M. Edison
United States Courthouse
601 Rosenberg, Seventh Floor
Galveston, TX 77550

RE: *In re Apache Corp. Sec. Litig.*, No. 4:21-cv-00575 (S.D. Tex.)

Dear Judge Edison:

We write on behalf of Lead Plaintiffs, Plymouth County Retirement Association and the Trustees of the Teamsters Union No. 142 Pension Fund (“Lead Plaintiffs”). In response to Your Honor’s request at the conclusion of the December 6, 2023 hearing on class certification, Lead Plaintiffs herein identify cases in which a court certified a class proceeding under the fraud-on-the-market theory of reliance where the price response of an alleged corrective disclosure was measured over a multiple-day period.

The cases below include corrective disclosure event windows of three or more days.

1. *In re Grupo Televisa Sec. Litig.*, 2020 WL 3050550, at *5 (S.D.N.Y. June 8, 2020) (accepting a four-day corrective disclosure event window, but denying class certification due to inadequate class representative); 2020 WL 5521544, at *1 (S.D.N.Y. June 29, 2020) (certifying proposed class and appointing class representative); 2022 WL 2829253, at *1-3 (S.D.N.Y. July 20, 2022) (clarifying class period for certified class);
2. *In re Twitter, Inc. Sec. Litig.*, 2020 WL 4187915, at *17-18 (N.D. Cal. Apr. 17, 2020), *order clarified*, 2020 WL 2519890 (N.D. Cal. May 18, 2020) (denying motion for summary judgment in previously-certified class action, which included a four-day corrective disclosure event window); *see also In re Twitter Inc. Sec. Litig.*, 326 F.R.D. 619, 622 (N.D. Cal. July 17, 2018) (prior order certifying class);

U.S. Magistrate Judge Andrew M. Edison

Page 2

3. *Sjunde AP-Fonden v. Gen. Elec. Co.*, 2023 WL 6314939, at *16 (S.D.N.Y. Sept. 28, 2023) (denying motion to exclude in previously-certified class action, and accepting a three-day corrective disclosure event window); *see also Sjunde AP-Fonden v. Gen. Elec. Co.* 341 F.R.D. 542, 549 (S.D.N.Y. 2022) (certifying class);
4. *Allegheny Cnty. Employees' Ret. Sys. v. Energy Transfer LP*, 623 F. Supp. 3d 470, 485-86, 494-505 (E.D. Pa. 2022) (granting class certification in case with three-day corrective disclosure event windows);
5. *In re Merck & Co., Inc., Vytarin/Zetia Sec. Litig.*, 2012 WL 4482041, at *1, *9 (D.N.J. Sept. 25, 2012) (granting class certification in case with a three-day corrective disclosure event window);
6. *In re Vivendi Universal, S.A., Sec. Litig.*, 634 F. Supp. 2d 352, 358, 372 (S.D.N.Y. 2009) (denying defendants' motion for summary judgment in previously-certified class action with a three-day corrective disclosure event window); 242 F.R.D. 76, 109 (S.D.N.Y. 2007) (certifying class), *aff'd sub nom. In re Vivendi, S.A. Sec. Litig.*, 838 F.3d 223 (2d Cir. 2016).

Respectfully submitted,

AJAMIE LLP

s/ Thomas R. Ajamie

Thomas R. Ajamie, Attorney-in-Charge

Texas Bar No. 00952400

S.D. Tex. No. 6165

John S. "Jack" Edwards, Jr.

Texas Bar No. 24040851

S.D. Tex. No. 38095

Pennzoil Place – South Tower

711 Louisiana, Suite 2150

Houston, TX 77002

Telephone: (713) 860-1600

Facsimile: (713) 860-1699

tajamie@ajamie.com

jedwards@ajamie.com

Liaison Counsel for Lead Plaintiffs

KESSLER TOPAZ

MELTZER & CHECK, LLP

Gregory M. Castaldo (admitted *pro hac vice*)

Johnston de F. Whitman, Jr. (admitted *pro hac vice*)

U.S. Magistrate Judge Andrew M. Edison
Page 3

Joshua E. D'Ancona (admitted *pro hac vice*)
Richard A. Russo, Jr. (admitted *pro hac vice*)
Evan R. Hoey (admitted *pro hac vice*)
Austin W. Manning (admitted *pro hac vice*)
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056
gcastaldo@ktmc.com
jwhitman@ktmc.com
jdancona@ktmc.com
rrusso@ktmc.com
ehoey@ktmc.com
amanning@ktmc.com

SAXENA WHITE P.A.

David R. Kaplan (admitted *pro hac vice*)
Wolfram T. Worms (admitted *pro hac vice*)
505 Lomas Santa Fe Drive, Suite 180
Solana Beach, CA 92075
Telephone: (858) 997-0860
Facsimile: (858) 369-0096
dkaplan@saxenawhite.com
wworms@saxenawhite.com

-and-

Steven B. Singer (*pro hac vice* forthcoming)
Joshua H. Saltzman (admitted *pro hac vice*)
Sara DiLeo (admitted *pro hac vice*)
10 Bank Street, 8th Floor
White Plains, NY 10606
Telephone: (914) 437-8551
Facsimile: (888) 631-3611
ssinger@saxenawhite.com
jsaltzman@saxenawhite.com
sdileo@saxenawhite.com

-and-

Maya Saxena (*pro hac vice* forthcoming)
Joseph E. White, III (*pro hac vice* forthcoming)
Lester R. Hooker (*pro hac vice* forthcoming)
7777 Glades Road, Suite 300
Boca Raton, FL 33434

U.S. Magistrate Judge Andrew M. Edison
Page 4

Telephone: (561) 394-3399
Facsimile: (561) 394-3382
msaxena@saxenawhite.com
jwhite@saxenawhite.com
lhooker@saxenawhite.com

Co- Lead Counsel for Lead Plaintiffs

DANIELS & TREDENNICK PLLC

Douglas A. Daniels
Texas State Bar No. 00793579
6363 Woodway, Suite 700
Houston, TX 77057
Telephone: (713) 917-0024
Facsimile: (713) 917-0026
Doug.Daniels@DTLawyers.com

Additional Counsel for Lead Plaintiffs

cc: All Counsel of Record